

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT GEISER, *On Behalf of Themselves and All
Others Similarly Situated*, et al., :
Plaintiffs, : 22-CV-1968 (JMF)
: ORDER
-v- :
THE SALVATION ARMY, :
Defendant. :
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JESSE M. FURMAN, United States District Judge:

On July 27, 2022, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. *See* ECF No. 77. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Here, Plaintiffs have already filed an amended complaint. *See* ECF No. 55. Nevertheless, the Court *sua sponte* grants Plaintiffs leave to file a second amended complaint to address issues raised by Defendant's motion dismiss.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any second amended complaint by **August 18, 2022**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motion to dismiss by **August 18, 2022**. Defendant's reply, if any, shall be filed by **August 25, 2022**.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for August 17, 2022 is adjourned *sine die*.

SO ORDERED.

Dated: July 28, 2022
New York, New York



JESSE M. FURMAN
United States District Judge